

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In The Matter Of:

INDUSTRIAL MARINE, INC.	)	ORDER
SAMUEL A. BOYKIN, and	)	
	)	
NATIONAL ANODIZING, INC.	)	
GORDON G. INGRAM, JR.	)	87-01
	)	
Respondents	)	
	)	
	)	
PROCEEDING UNDER SECTION 106(a)	)	
OF THE COMPREHENSIVE ENVIRONMENTAL	)	
RESPONSE, COMPENSATION AND LIABILITY	)	
ACT OF 1980 (42 U.S.C. §9606(a))	)	

The following Order is issued on this date to INDUSTRIAL MARINE INC., SAMUEL A. BOYKIN, NATIONAL ANODIZING, INC., AND GORDON G. INGRAM, JR. ("Respondents") pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), by authority delegated to the undersigned by the Administrator of the United States Environmental Protection Agency ("EPA"). Notice of the issuance of this Order has heretofore been given to the State of California.

The Director, Toxics and Waste Management Division, EPA Region 9 has determined that there may be an imminent or substantial endangerment to public health or welfare or the environment caused by an actual or threatened release of hazardous substances from a facility owned by Industrial Marine, Inc., whose president is Samuel A. Boykin, and formerly operated by National Anodizing, Inc., whose president is Gordon G. Ingram, Jr.

This Order directs Industrial Marine, Inc., Samuel A. Boykin, National Anodizing, Inc., and Gordon G. Ingram, Jr. to undertake actions to protect the public and the environment from this endangerment.

#### FINDINGS OF FACT

##### Background

1. Respondent Industrial, Inc. is a California corporation and owns a property located at 1610 and 1620 Rigel Street, San Diego, California, bounded by Rigel Street to the east, Chollas Creek to the north and by other properties to the west and south ("the facility").

2. Respondent Samuel A. Boykin is the president of Industrial Marine, Inc.

3. National Anodizing, Inc. ran a metal plating operation at the facility from 1979 to 1983. Upon termination of

National Anodizing, Inc.'s tenancy on or about 24 March, 1986, 55-gallon drums and other containers of various chemicals associated with metal plating belonging to National Anodizing, Inc. were left at the facility, and remain there.

4. Respondent Gordon G. Ingram is the president of National Anodizing, Inc.

5. On or about 30 January, 1987, the EPA inspected the facility and conducted a preliminary assessment of the dangers posed by this site to the surrounding community. The EPA found at least 160 55-gallon drums and 50 smaller-sized receptacles, many of which were stacked two high along a fence line located adjacent to and within 6 feet of Chollas Creek. Several of the drums were rusting and deteriorated and six drums were leaking. The leakage was observed flowing directly into Chollas Creek, which borders the property. Information provided to the EPA by the San Diego County Department of Health Services and the Respondents indicate that the chemicals present in the drums and receptacles include sodium cyanide, phosphoric acid, nitric acid, chromic acid, sodium hydroxide, metal salts and plating solutions, hydrogen peroxide and flammable solvents. Drums believed to be containing strong acids were stacked on top of drums believed to be containing sodium cyanide. The EPA designated Daniel M. Shane as On-Scene Coordinator ("OSC") at the facility, pursuant to 40 C.F.R. Part 300, published at 50 Fed. Reg. 47912 (November 20, 1985).

6. Sodium cyanide and strong acids are incompatible

materials. Should sodium cyanide come into contact with a concentrated acid, a release of hydrogen cyanide gas would occur. Release of hydrogen cyanide gas may be life-threatening. Populations at risk from a release of hydrogen cyanide chemicals at the facility include people working at the site, residents in the neighborhood, children at the elementary school located 1/2 mile downwind of the facility, and automobile passengers on adjacent roads and the interstate freeway (I-5) located 100 yards downwind of the facility.

7. If acidic and caustic materials, both of which are included among the chemicals believed to be present at the facility, come into contact, a potential is created for ignition and fire. The ensuing reaction could generate sufficient heat to ignite surrounding materials. A fire could expose nearby residents and workers to toxic byproducts of combustion and could result in contaminated run-off of fire-fighting water.

8. A release of hazardous substances from the facility into Chollas Creek could expose residents of a Navy housing development located 1/4 mile downstream to toxic fumes. In addition, a flood tide could carry a chemical discharge further into the City of San Diego. The ecology of the Creek and of the San Diego Harbor downstream could be severely harmed.

9. A threat of direct human contact with hazardous

substances exists, as many of the hazardous substances are stored next to an area offering unsupervised public access.

#### DETERMINATIONS

Based upon the foregoing Findings of Fact, the Acting Director, Toxics and Waste Management Division, EPA Region 9 has made the following determinations:

1. The Respondents are "persons" as defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21).
2. The site located at 1600 Rigel Street, San Diego, California, is a "facility" as defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).
3. Respondents National Anodizing, Inc. and Gordon G. Ingram, Jr. operated the facility at the time hazardous substances were improperly stored and/or disposed, and are responsible parties as defined in Section 107(a)(3) of CERCLA, 42 U.S.C. §9607(a)(3).
4. Respondents Industrial Marine, Inc. and Samuel A. Boykin are current owners of the facility and are responsible parties as defined in Section 107(a)(3) of CERCLA, 42 U.S.C. §9607(a)(3).
5. Chemicals stored at the facility, including those listed in paragraph 5 in the Findings of Fact are "hazardous substances" as defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14).
6. The abandonment of the drums and other receptacles containing hazardous substances at the facility, and the

leakage of hazardous substances from receptacles at the facility, referred to in paragraphs 4, and 5 in the Findings of Fact are "releases" as defined in Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

7. The disposal of incompatible chemicals near each other and the disposal of hazardous substances in an area offering unsupervised public access described in paragraphs 5, 6, 7, and 9 constitute "threatened releases" as referred to in Section 106(a) of CERCLA, 42 U.S.C. §9606(a).

8. The releases or threatened releases of hazardous substances at the facility may present an imminent and substantial endangerment to public health or welfare or the environment.

9. In order to prevent or mitigate immediate and significant risk of harm to public health or welfare or the environment, it is necessary that immediate removal action be taken to contain and prevent the release or threatened release of hazardous substances from the facility.

10. The response measures ordered herein are consistent with the National Contingency Plan, 40 C.F.R. Part 300, and are necessary to protect public health or welfare or the environment.

11. The Respondents are jointly and severally liable for conducting the actions ordered herein.

ORDER

Based upon the foregoing Findings of Fact, and Determinations, Respondents are hereby ordered and directed to implement the following measures:

Clean-up Requirements

1. The Respondents shall clean up the facility to the point that there remains no endangerment to public health or welfare or the environment from the improper storage or disposal at the facility, as determined by the OSC.

Access

2. The Respondents shall grant access to employees and authorized representatives of EPA and the State of California to the facility for the purpose of verifying compliance with the terms of this Order.

On-Scene Coordinator

3. The Respondents shall assist the OSC referred to in paragraph 5 of the Findings of Fact, or any OSC for the facility subsequently designated by the EPA, in the execution of his authorities. The OSC shall have the authority vested in the "On-Scene Coordinator" by 40 C.F.R. Part 300, published at 50 Fed. Reg. 47912 (November 20, 1985), including the authority to: (1) be present on-site at all times when response work is being undertaken pursuant to this Order, (2) observe, take photographs and make other report on the progress of the work as the OSC deems appropriate, and (3) review records, files and documents relevant to the Order.

Compliance With Applicable Laws

4. In carrying out the terms of this Order, the Respondents shall comply with all federal, state and local laws and regulations. Respondents shall also obtain all required state and local permits.

Government Liabilities

5. The United States Government shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of the Respondents, their employees, agents or contractors in carrying out activities pursuant to this Order, nor shall the Federal Government be held as a party to any contract entered into by the Respondents or their agents in carrying out activities pursuant to this Order.

Endangerment During Implementation

6. In the event that the Director, Toxics and Waste Management Division, EPA, Region 9 determines that any activities (whether pursued in implementation of or in noncompliance with this Order) or circumstances are endangering public health or welfare or the environment, the Director may order the Respondents to stop further implementation of this Order for such period as needed to abate the endangerment.

Penalties for Noncompliance

7. Any Respondent who, without sufficient cause, willfully violates, or fails or refuses to comply with this Order, or any portion thereof, may be subject to civil penalties of not

more than \$25,000 for each day in which a violation occurs or such failure to comply continues, pursuant to the provisions of Section 106(b) of CERCLA, 42 U.S.C. §9606(b). Further, if any Respondent fails without sufficient cause to properly provide the removal or remedial action ordered herein, such person may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Government as a result of such failure to take proper action, pursuant to the provisions of Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3).

The EPA may take over the removal action at any time if the EPA determines the Respondents are not taking appropriate action to mitigate the site hazard. In the event that the EPA assumes responsibility for the removal action, the Respondents shall be liable for all costs incurred by the EPA to mitigate the site hazard. The EPA may order additional removal or remedial actions deemed necessary by the EPA to protect public health or welfare or the environment.

Opportunity to Confer

9. The Respondents may request a conference with the Director, Toxics and Waste Management Division, EPA Region 9 or his staff to discuss the provisions of this Order. At any conference held pursuant to their request, the Respondents must appear in person or by counsel or other representatives

for the purpose of presenting any objections, defenses, or contentions which they may have regarding this Order. If the Respondents desire such a conference, they must make such a request orally within 24 hours of receipt of this Order, to be immediately confirmed in a written request. The Respondents should make any such request to any of the contact persons listed below.

Parties Bound

9. This Order shall apply to and be binding upon the Respondents, their officers, directors, agents, employees, contractors, successors, and assigns.

Notice of Intent to Comply

10. Immediately upon receipt of this Order, the Respondents shall orally inform the EPA of their intent to comply with the terms of this Order. This shall be confirmed in writing within one (1) day of receipt of this Order.

Effective Date

11. Notwithstanding any conferences requested pursuant to the provisions of this Order, this Order is effective upon receipt, and all times for performance shall be calculated from that date.

It is so ordered on this 15<sup>th</sup> day of February, 1987.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: Jeffrey Zelikson

Jeffrey Zelikson  
Acting Director, Toxics & Waste Management Division  
U.S. EPA, REGION 9

Contact Persons:

Leo Levenson  
Superfund Programs Branch (T-4-4)  
U.S. Environmental Protection Agency  
215 Fremont Street  
San Francisco, California 94105  
(415) 974-7101

Robert Mandel  
Field Operations Branch (T-3-3)  
U.S. Environmental Protection Agency  
215 Fremont Street  
San Francisco, California 94105  
(415) 974-8127

John Rothman,  
Assistant Regional Counsel (RC-5)  
U.S. Environmental Protection Agency  
215 Fremont Street  
San Francisco, California 94105  
(415) 974-7453

# REMOVAL SITE CONTACT LIST

SITE Rigel Street Drum Site  
 LOCATION 1610 Rigel Street  
San Diego, Ca.

(619)  
 COMMAND POST PHONE 540-3285

## PERSONNEL

OSC Lead Robert Mandel

OSC Backup Daniel Shane

ENF Staff Terry Brubaker

ORC Staff John Rothman

TAT \_\_\_\_\_

PST \_\_\_\_\_

Other Reidel Environmental Services  
P.O. Box 3320  
Portland, Ore - Mike McKee, Resp. Mgr.

## Responsible Parties

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Involvement</u>
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## Other Agencies

<u>Agency</u>	<u>Name</u>	<u>Phone</u>	<u>Involvement</u>
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# REMOVAL SITE DOCUMENT LOG

SITE Rigel Street Drum Site ACCOUNT # 7QFA9AKED9

LOCATION 1610 Rigel Street  
San Diego, CA.

CERCLA ☒ \_\_\_\_\_

311 \_\_\_\_\_

## DOCUMENTS

## DATE

<input checked="" type="checkbox"/> Action Memo	<u>2/6/87</u>
Amendments _____	_____
_____ Enforcement Orders	_____
_____ Notice of Federal Interest	_____
<input checked="" type="checkbox"/> DO Number <u>6860-09-033</u>	<u>2/6/87</u>
modifications _____	_____
<input checked="" type="checkbox"/> PR	<u>2/6/87</u>
Amendments _____	_____
<input checked="" type="checkbox"/> Letter Contract Number <u>68-01-6860</u>	<u>2/6/87</u>
_____ Press Statement	_____
_____ TA's	_____
_____ O'Time Requests	_____
_____ CR Plan	_____
_____ Disposal Options Checklist	_____
_____ EE/CA	_____
_____ TAT TDD's Numbers _____	_____
<u>IAG</u>	_____
_____	_____

J E R R Y C L I F F O R D

Co. sent to:  
Terry Brubaker

To: TWMD/REG.IX (EPA9941)  
From: ERS/REG.IX (EPA9943)  
Posted: Tue 10-Feb-87 21:00 EST Sys 63 (66)  
Subject: POLREP ONE RIGEL ST SITE  
Acknowledgment Sent

--More--

P  
FM EPA SAN FRANCISCO CA//FOSC/RIGEL DRUM SITE  
TO EPA WASHINGTON DC//OERR-ERD//  
INFO COMPACAREA COGARD ALAMEDA CA//PO//  
EPA SAN FRANCISCO CA//TERRY BRUBAKER//  
COGARD MSO LALB LONG BEACH CA  
CCGDELEVEN LONG BEACH CA//MEP//  
CG-W2GKRC  
BT  
UNCLAS //N16465//

SUBJ: POLREP ONE, RIGEL ST SITE, SAN DIEGO CA

1. SITUATION:

A. REMOVAL ACTION BEGAN 9 FEB 87 FOLLOWING THE  
ISSUANCE OF NOTICES OF FEDERAL INTEREST TO POTENTIAL  
RESPONSIBLE PARTIES ON 6 FEB 1987. EPA, PST, TAT,  
RIEDEL ENV. SERVICES MOBILIZED ON-SITE. APPROX 300  
CONTAINERS INCLUDING CYANIDE, VARIOUS ACIDS, OXIDIZERS,  
ORGANICS, & METAL PLATING SOLUTIONS WERE ABANDONED OUTDOORS  
IN AN UNSECURED AREA NEXT TO CHOLLAS CREEK, A TRIBUTORY OF  
SAN DIEGO BAY. THE POTENTIAL EXISTS FOR A RELEASE OF HCN GAS  
AND ACID GASES DUE TO THE INCOMPATIBILITY OF THE CONTAINER  
CONTENTS. AN ADDITIONAL THREAT OF FIRE AND EXPLOSION EXISTS  
DUE TO THE OXIDIZERS AND ORGANICS ALSO PRESENT. RESIDENTIAL  
AREAS EXISTS WITHIN 0.5 MILES OF THE SITE. THE POOR CONDITION  
OF SOME CONTAINERS POSES A RUNOFF THREAT TO CHOLLAS CREEK AND  
THEN TO SAN DIEGO BAY.

B. PERSONNEL ON-SITE:

	EPA	PST	TAT	RES
9 FEB	2	4	3	7
10 FEB	2	4	2	7

2. ACTION TAKEN:

A. 9 FEB: MOBILIZED FEDERAL RESPONSE AND ERCS CONTRACTOR. MET AGAIN WITH 2 POTENTIAL RP'S. INADEQUATE CLEANUP PROPOSALS WERE SUBMITTED BY BOTH. MET WITH CITY FIRE DEPT, COUNTY HEALTH SERVICES TO DISCUSS CONTINGENCY AND EVACUATION PLANNING. COUNTY HEALTH IS DEVELOPING THE COMMUNITY RELATIONS PLAN. DRUMS WERE STAGED FOR SAMPLING. BOOMS WERE DEPLOYED ALONG PERIMETER BOUNDARY OF CHOLLAS CREEK.

B. 10 FEB 1987

SODA ASH WAS PACKED UNDER THE FULL LENGTH OF THE CONTAINMENT BOOM.

APPROX 237 DRUMS WERE LABELED AND DATA COLLECTED RE CONDITION, MARKS, LABELS, AMOUNT, ETC PRIOR TO SAMPLING.

CONTINUED TO MEET ON-SITE WITH FIRE AND HEALTH AGENCY PERSONNEL RE AIR MONITORING, EVIDENCE COLLECTION FOR LOCAL AGENCY ENFORCEMENT ACTION.

3. FUTURE PLANS AND RECOMMENDATIONS:

A. ALL CONTAINERS WILL BE SAMPLED AND FIELD HAZARD CATEGORIZED.

B. BOTH POTENTIAL RP'S HAVE INDICATED THEY WILL ASSIST IN LOCATING RESPONSIBLE RE-USERS OR RE-CYCLERS FOR SOME OF THE CHEMICALS.

C. AIR MONITORING PROGRAM DURING SAMPLING BY EPA.

4. PROJECT COSTS:

ERCS EST. COST TO DATE: \$8.7K.

USCG EST. COST TO DATE: \$3.2K.

EPA EST. COST TO DATE: \$1.9K.

TAT EST. COST TO DATE: \$2.9K.

5. STATUS:

A. CASE PENDING.

BT

DRAFTED AND RELEASED BY: ROBERT MANDEL, EPA, OSC.



ERCS cleanup technician checks the hose fitting prior to bulking the oxidizing acids into this 6,500 gal. reaction vessel (Baker tank).



Current plating shop on-site, Aerospace Coatings, uses the same equipment and chemicals as National Anodizing did.



Final surface cleanup included a washdown with a weak hypochlorite solution.



Panoramic view of site looking SW (above) and NW (below) with Chollas Creek in foreground. Note stains running down Creek embankment. Privacy fence surrounds yard where segregated acids, oxidizers, and nonspecified hazardous waste streams. Site is one mile from San Diego Bay.



Over 400 separate containers were identified, sampled, and hazcatted during the first week of the Removal.

(below)  
Numerous flammables were discovered during hazcattting. Here, a sample is found positive for the "BIC" test.





Safety meetings were always held prior to beginning any activity on site each day (or night).

Level A protection was used when the potential for a release of hydrogen cyanide gas existed.



At EPA's request,  
a California  
Highway Patrol  
officer conducts  
a surprise safety  
inspection of one  
of the Removal's  
subcontractor  
transporters.



Sampling with a colormetric tube for HCN gas  
in the vacuum truck pump exhaust. No HCN  
was detected in the vapor.

The poor condition of many containers made identification difficult, and required substantial re-containerization (over-packing).





Most sampling activities were conducted in Level B protection. Here, both airline and SCBA units are in use.

